

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 2, 1993
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:04 a.m.
Mayor Golding adjourned the meeting at 12:09 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) District 8-vacant
- Clerk-Fishkin (ll)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-not present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) District 8-vacant

PUBLIC COMMENT:

ITEM-PC-2: REFERRED TO CITY MANAGER

Comment by Susan Rainville regarding legal issues concerning a Conditional Use Permit for a paved parking lot in the wetlands.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A048-083.)

ITEM-107: (R-93-1061) ADOPTED AS RESOLUTION R-281435

Approving the North City Water Reclamation Plant, as described in Environmental Impact Report DEP-91-0516; directing the City Manager to continue with the development of the plant; certifying that the information contained in Environmental Impact Report DEP-91-0516, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the report reflects the independent judgement of the City of San Diego as Lead Agency; and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with approval of the North City Water Reclamation Plant; adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required in order to mitigate or avoid significant effects on the environment. (University Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION:

City Council authorized the City Manager to proceed with the design and environmental review of the North City Water Reclamation Plant (NCWRP) in October 1991. The design is proceeding on schedule and is to be completed by January 1993. The plant will treat 30 million gallons per day (mgd) of wastewater during the first phase (by 1997) and ultimately 45 mgd during the second phase (between the years 2010 and 2020). This plant will serve reclaimed water markets in the northern and central area of the Metropolitan Sewerage System. The Draft Environmental Impact Report (EIR) for this project was distributed on September 15, 1992 (DEP-91-0516/WU-CWP No. 93-047). The public review period ended on October 29, 1992. The Final EIR was distributed on December 10, 1992 and is

scheduled to be reviewed by the Planning Commission on January 7, 1993.

WU-CWP-93-065.

NOTE: See Item 108 for a companion item.

FILE LOCATION: WATER-North City Water Reclamation
Plant

COUNCIL ACTION: (Tape location: C364-389.)

MOTION BY BEHR TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, District 8-vacant, Mayor Golding-yea.

ITEM-108:

(R-93-1073) ADOPTED AS RESOLUTION R-281436

Authorizing the City Manager to accept a grant deed of Deer Canyon Ltd., conveying to the City 30 acres of sensitive habitat lands on Del Mar Mesa, which property is being acquired as offsite mitigation for the North City Water Reclamation Plant, CIP-42-910.1; authorizing the transfer of \$880,000 from Clean Water Program Fund 41509, CIP-42-910.3, Otay Valley Water Reclamation Plant, and \$45,000 from CIP-45-920.1, Metro System Operating Center to CIP-42-910.1, North City Water Reclamation Plant; authorizing the expenditure of an amount not to exceed \$925,000 from Clean Water Program Fund 41509, North City Water Reclamation Plant, CIP-42-910.1, for the acquisition of real property and related costs. (Del Mar Mesa & University Community Areas. Districts-1 & 5.)

CITY MANAGER SUPPORTING INFORMATION:

This action provides for the acquisition of 30 acres of sensitive habitat on Del Mar Mesa as offsite Mitigation for the North City Water Reclamation Plant project (CIP-42-910.1). The site, which contains sensitive plant species, wildlife corridors and potential for enhancement as vernal pools, is identified in Environmental Impact Report and Mitigation Monitoring and Reporting Program, DEP-91-0516, dated December 7, 1992. This site also satisfies the goal of having mitigation sites adjacent to existing permanent open space with the similar habitats, resulting in a larger contiguous habitat.

Aud. Cert. 9300650.

Note: See Item 107 for a companion item.

FILE LOCATION: DEED F-5962 DEED FY93-1

COUNCIL ACTION: (Tape location: C389-434.)

Motion by McCarty to continue to February 23, 1993. Second by Roberts. Motion withdrawn.

MOTION BY BEHR TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, District 8-vacant, Mayor Golding-yea.

ITEM-330:

(R-93-) CONTINUED TO MARCH 2, 1993

(Continued from the meeting of January 5, 1993, Item 331 (No. 10), at the request of Councilmember Roberts for Rich Grosch, Chairman of the Ocean Beach Planning Board, for further review and for a final decision from the Community Planning Groups.)

Adoption of a Resolution to amend THE PROGRESS GUIDE AND GENERAL PLAN of the City of San Diego. The proposed Omnibus General Plan Amendment would adopt the following actions that have previously been approved by the City Council. All required environmental documents have been certified by the City Council.

The Mission Bay Park Master Plan, Mission Valley Community Plan, Ocean Beach Precise Plan and Local Coastal Program Addendum and the Tierrasanta and University Community Plans amended February 15, 1991, by Resolution R-277366, to provide for Clean Water Program facilities. EIR-90-0212 certified by Resolution R-277356, EIR-89-1397 certified by Resolution R-277364, EIR-90-0225 certified by Resolution R-277365.

The amendments to the Mission Bay Master Plan and Ocean Beach Precise Plan also constitute amendments to the City of San Diego's Local Coastal Program. If approved by City Council, the proposed Local Coastal Program Amendments must be submitted to the California Coastal

Commission for review and final approval. The proposed Local Coastal Program amendments would not become effective until after approval by the California Coastal Commission. (Omnibus General Plan. Districts 1,2,6 and 7.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A091-111.)

MOTION BY McCARTY TO CONTINUE TO MARCH 2, 1993 FOR ADDITIONAL TIME TO REVIEW FURTHER AND BRING BEFORE THE COMMUNITY PLANNING GROUPS. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, District 8-vacant, Mayor Golding-yea.

ITEM-331: (O-93-97) INTRODUCED, TO BE ADOPTED FEBRUARY 22, 1993

Introduction of an Ordinance amending Chapter X, Article 1, Division 4, of the San Diego Municipal Code, by amending Section 101.0463, relating to regulations affecting certain property within Single Family Residential Zones.

SUPPORTING INFORMATION: The Fourth District Court of Appeal, in the case of Briseno v. City of Santa Ana 6 Cal. App. 4th ed. 1378 (1992), has determined that State Law preempts local regulations in the field of housing regulations related to minimum room size dimension requirements. This Ordinance brings City regulations into conformance with State Law with respect to this field of regulation.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A119-159.)

Hearing began 10:10 a.m. and halted 10:15 a.m.

Testimony in favor by Rebecca Michael.

MOTION BY McCARTY TO INTRODUCE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, District 8-vacant, Mayor Golding-yea.

ITEM-332:

Matters relating to the Clean Water Program::
(See City Manager Reports CMR-93-19, CMR-93-22 and
CMR-93-18.)

Subitem-A: (R-93-1295) ADOPTED AS RESOLUTION R-281439

In the matter of financing of the Clean Water Program
and those wastewater improvements as reflected in the
Consumers' Alternative.

Subitem-B: (R-93-1296) ADOPTED AS RESOLUTION R-281440

In the matter of the City providing interim staffing
for the San Diego Wastewater Management District and
discussion issues for City participation in the
District.

FILE LOCATION: WATER-San Diego Wastewater Management
District

COUNCIL ACTION: (Tape location: A165-C352.)

MOTION BY STALLINGS TO APPROVE THE RECOMMENDATIONS IN
MANAGER'S REPORT NO. 93-18, AND DIRECT THE CITY MANAGER TO
NEGOTIATE THE INTERIM AGREEMENT, ALONG WITH THE OTHER
JURISDICTIONS, IN ORDER FOR THE CITY TO GO FORWARD WITH
SETTING UP THE SPECIAL ACT DISTRICT AND BRING BACK TO
COUNCIL FOR FINAL APPROVAL ON FEBRUARY 23, 1993. Second by
Behr. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-not present, Stevens-nay, Behr-yea,
Stallings-yea, McCarty-yea, District 8-vacant, Mayor
Golding-yea.

MOTION BY STALLINGS TO APPROVE THE RECOMMENDATIONS IN
MANAGER'S REPORT NO. 93-19, AND DIRECT THE CITY MANAGER TO
COME BACK ON FEBRUARY 23, 1993 WITH A RATE TABLE THAT
CLARIFIES THE WATER-BASED SEWER RATE INSTEAD OF THE FLAT
RATE SO COUNCIL HAS A CHANCE TO SEE A COMPARISON FROM THE
RATE CHANGE THAT WILL TAKE EFFECT IN JULY. Second by Behr.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-yea, District 8-vacant, Mayor Golding-yea.

MOTION BY STALLINGS TO APPROVE ITEM NO. 1 UNDER
RECOMMENDATIONS IN MANAGER'S REPORT NO. 93-22 AND CONTINUE
ITEMS NO. 2 AND 3 TO FEBRUARY 23, 1993. DIRECT THE CITY
MANAGER TO EXPLORE THE POSSIBILITY OF GETTING SHORT TERM
FINANCING OR VARIABLE RATE FINANCING AND TO CLARIFY THE

IMPLICATIONS OF THE CITY'S OVERALL BOND RATING AND/OR ISSUES THE CITY MIGHT HAVE IN THE FUTURE UNRELATED TO THIS PROGRAM. THE CLEAN WATER OVERSIGHT COMMITTEE WAS REQUESTED TO BE PREPARED TO MAKE COMMENTS ON STAFF'S RECOMMENDATIONS AND TO BE PRESENT AT THE FEBRUARY 23, 1993 MEETING. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, District 8-vacant, Mayor Golding-yea.

ITEM-333: (R-93-1086 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-281437

Authorizing the execution of Amendment No. 11 to the agreement with James M. Montgomery Consulting Engineers, Inc., for a not-to-exceed amount of \$22,357,099, for program management services for modification and expansion of the Metropolitan Sewerage System; authorizing the expenditure of previously unfunded budgeted funds in an amount not to exceed \$22,357,099 from Clean Water Program Fund 41509, CIP-45-910.2, Clean Water Program Management and Administration, for the purpose of providing funds for the above amendment, in the following manner:

1. \$4,200,000 from FY 93 appropriations.
2. \$8,290,500 from FY 94 appropriations contingent upon approval of the FY 1994 CIP Budget.
3. \$6,826,342 from FY 95 appropriations contingent upon approval of the FY 1995 CIP Budget.
4. \$3,040,257 from FY 96 appropriations contingent upon approval of the FY 1996 CIP Budget.

Authorizing the City Manager to replace consultant staff with City staff when there are opportunities for the City to realize cost savings, when the required expertise is necessary on a long term basis, or when City staff is made available through the budgetary process.

(See City Manager Report CMR-93-13.)

Aud. Cert. 9300628.

WU-CWP-93-066.

FILE LOCATION: MEET CCONT FY93-1

COUNCIL ACTION: (Tape location: C437-546.)

MOTION BY STALLINGS TO ADOPT THE MANAGER'S REPORT #93-13
WITH THE AMENDMENT TO INCLUDE ONLY THE FIRST PHASE OF THE

EXPENDITURES OF \$4,200,000. ALL SUBSEQUENT APPROPRIATIONS FOR FUNDING PHASING BEYOND THE \$4,200,000 MUST BE APPROVED BY FURTHER COUNCIL ACTION. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, District 8-vacant, Mayor Golding-yea.

ITEM-334: (R-92-1473) NOTED AND FILED

(Continued from the meetings of March 31, 1992, Item S502, April 28, 1992, Item 336, May 26, 1992, Item 335, June 23, 1992, Item 335; trailed from 9/8/92; continued from the meeting of September 14, 1992, Item 201, September 21, 1992, Item S404, and October 6, 1992, Item 331; last continued at the request of the County Water Authority and Mayor O'Connor, to measure the amount of San Diego's rainfall and snowfall in the Sierras to see if CWA goals need to be reassessed.) Reducing the City's water conservation goal by 10 percent.

CITY MANAGER SUPPORTING INFORMATION:

The City Council responded to a fifth year of statewide drought conditions by establishing a citywide water conservation goal of 20 percent on April 12, 1991. City residents demonstrated their commitment to water conservation by conserving an average of 26 percent between April and December 1991. Increased statewide precipitation and runoff levels have resulted in an improved water supply situation. Officials from the State Water Project recently announced that water deliveries to urban areas were increased to 35 percent of normal, up from the 20 percent level estimated in January 1992. These events prompted the Metropolitan Water District of Southern California (MWD) and the San Diego County Water Authority (CWA) to announce earlier this month a reduction in required water conservation levels. The CWA has requested that their member agencies attain a 10 percent conservation savings between March and September 1992. In light of the CWA's actions, it is recommended that the City reduce its citywide conservation goal from the current 20 percent to 10 percent.

FILE LOCATION: WATER-City's Water Conservation Goal

COUNCIL ACTION: (Tape location: C549-D060.)

MOTION BY BEHR TO NOTE AND FILE. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea,

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McCarty-yea, District 8-vacant, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 12:09 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D062.)